

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 22 1997

In the Matter of)

The Development of Operational,)
Technical and Spectrum Requirements)
For Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements Through the Year 2010)

Establishment of Rules and Requirements)
For Priority Access Service)

WT Docket No. 96-86

To: The Commission

**COMMENTS OF
THE CITY OF LONG BEACH, CALIFORNIA**

Long Beach, California--the State's fifth most populous city--is home to 500,000 residents in an area of 50 square miles. The city is home to prominent tourist destinations, federal contractors, professional sports teams, high technology industries, an international airport, free trade zone, Pacific Rim port of entry, and soon will unveil its world class aquarium.

The outstanding leadership and personnel who make up our highly regarded teams of law enforcement, fire prevention and suppression, emergency medical services, harbor patrol and lifeguard service teams are invaluable not only to the quality of life residents and visitors have come to expect, but also to the economic development and prosperity enjoyed by the entire region. Our

public safety providers are an asset and resource worthy of protection and enhancement. To accomplish our goals and maintain established service levels, the City of Long Beach has developed extensive and costly communications systems within the bands allocated to the Public Safety Radio Service. But now, increasing spectrum needs demand that Long Beach and other entities within the Greater Los Angeles Metropolitan Area seek timely relief from the Commission. With this foremost in mind, the City of Long Beach offers Comment in this proceeding.

Before addressing the specific topics pertaining to the development of operational, technical and spectrum requirements, and the rules and requirements for Priority Access Service, we wish to first reiterate our previously stated concern that the Commission's actions to date in this proceeding as well as MM Docket No. 87-268 and ET Docket 97-157 fall short of achieving the Congressional mandate that 24 MHz of spectrum from UHF-TV channels 60-69 be allocated for use by Public Safety on a nationwide basis (emphasis added). So long as Southern California's most populous regions are excluded from realizing any benefit from this spectrum, the directive of Congress will remain unfulfilled. We urge the Commission and FCC staff to respond quickly to proposals being tendered which have the potential to surmount this hurdle and permit the allocation to proceed without the need for Commenters to belabor this uncertainty any longer. An acknowledgment by the Commission that this point of contention exists, coupled with a sincere commitment to resolve the problem, would help provide Public Safety with the assurance needed to have continued confidence in this process. In the absence of such commitment, we are left wondering how the immediate communications needs of our emergency services providers have been relegated to a status subordinate to television broadcasters in their pursuit of DTV channel assignments. Further,

the Commission should not address the development of operational, technical and spectrum requirements in this Rulemaking without first ensuring that Southern California's Public Safety community will also be a beneficiary of the allocation.

Interoperability

Southern California's cities and counties generally enjoy excellent mutual aid communications capabilities in carrying out their assigned responsibilities during major incidents. But these capabilities do not extend to operations carried out elsewhere in the United States, or when there is cause for agencies from outside our region to render emergency assistance locally. Interoperability requirements quickly escalate during such events, and the spectrum to be assigned pursuant to this proceeding will provide a solid foundation upon which to build a system of truly nationwide interoperability. The Commission should not, however, overlook the reality of our present communications capabilities. The vast majority of emergency responders in Southern California--and elsewhere in the nation--operate on either VHF highband or UHF. An immediate need exists for interoperability within these bands. The Final Report of the Public Safety Wireless Advisory Committee (PSWAC) recommended that the Commission consider allocating spectrum to Public Safety from the 380-400 MHz band, as well as from TV channels 7-13. We strongly support this proposal.

In this Second Notice, the Commission asks how much of Public Safety's allocation of 24 MHz from UHF-TV channels 60-69 should be designated for interoperability. We feel, as do others, that no more than ten voice channels and two high-speed data channels are necessary. To exceed this

amount would remove from the pool valuable spectrum that could be put to better use on a region-by-region basis.

Trunking

It would not be appropriate to employ trunking technology on any interoperability channels within the new allocation. Trunking is dependent upon a complex and costly infrastructure which can not be relied upon to be present and available in every system. Users would be poorly served by any decision to mandate a trunking standard for this band.

Federal Agencies and Interoperability

History has shown that local agencies often require immediate communications with their federal counterparts during joint exercises and emergency responses. In light of this, we strongly feel that federal government agencies should be afforded access not only to some of the proposed mutual aid frequencies, but selected existing channels as well.

Regional Planning

The Regional Plans developed for NPSPAC served as a perfect illustration of how effective this type of planning effort can be at the local level. The experience gained from that undertaking leads us to believe that these same planning bodies would be the best choice to develop and implement plans for the UHF-TV spectrum allocation. If the Commission ordered new committees to be established, it would amount to a duplication of effort in that the same individuals in most cases would be called upon to attend to the new task. This is unnecessary given the high value of the experience and

education of the NPSPAC planners.

Funding

Those involved in the planning and implementation effort should expect compensation for actual expenses incurred. A fair system would involve the planners receiving reimbursement from coordination fees.

Frequency coordination duties for the Public Safety frequencies would best be served by APCO-International, not only because of the experience gained through the NPSPAC effort, but also the solid reputation and high regard held for the organization as a result of its past work.

Channel Assignments for Public Safety

UHF-TV channels 63, 64, 68 and 69 are best suited for use by Public Safety. A great need exists in Southern California for additional channels, as this is among the most congested areas of the nation. The Commission should review and amend the DTV channel assignments to ensure that Southern California's emergency services agencies are equally able to enjoy the fruits of this Rulemaking as will the remainder of the nation. Whenever and wherever possible, the Commission should proffer incentives to expedite broadcasters in the migration to DTV, and the prompt return of vacated frequencies for reassignment. Public Safety can not wait until the year 2006 for the degree of relief we so desperately require today.

Construction Requirements

Constructing a new, spectrally efficient communications system in a municipality such as Long Beach can easily cost upwards of \$100 million and require years of careful planning. Whether financed by tax dollars, bonds, or other means, it is a major fiscal undertaking even under the best of circumstances. Section 90.629 of the Rules recognizes the complexity of this process, and sets forth requirements which experience and past practice have shown are both realistic and appropriate. We continue to endorse the current five year “slow growth” provisions for new construction.

Cellular Priority Access

Although we are reasonably certain that other Commenters will question the logic of including this topic in a Notice having little if anything to do with commercial wireless telephone systems, we will take this opportunity to reiterate an oft-stated opinion that even the most advanced, redundancy-protected cellular and PCS systems are not designed nor intended to function as a substitute for, or viable alternate to, Public Safety communications systems. We have every intention of continuing to use cellular/PCS services on a routine basis, as well as during emergencies, but only to supplement the capabilities of our own systems. In any event, we fully support the concept of Cellular Priority Access and recommend that Public Safety be afforded the same level of access as federal agencies.

Conclusion

The Commission has before it an opportunity to establish a framework in which Public Safety can begin to accommodate emerging technologies while simultaneously working to satisfy spectrum and interoperability needs. It should be remembered that this allocation of 24 MHz represents only the first step in satisfying the needs documented in the PSWAC final report; indeed, the life of WT

Docket No. 96-86 extends to the year 2010, still twelve years distant. As important a first step as this might be, it must not be the last. To ensure that this beginning achieves its expectations, the Commission must first ensure that all geographic sectors will be able to reap the benefits of the allocation. To exclude Southern California would only serve to perpetuate the interoperability shortcomings which were in part responsible for undertaking this proceeding.

Very truly yours,

CITY OF LONG BEACH, CALIFORNIA

A handwritten signature in black ink, appearing to read "Robert J. Metzger", written over the printed name.

Robert J. Metzger
Director of General Services

(0296861b)